

8-14-03
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July 25, 2003
Date of Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ross M. Swan

Examiner W.E. Wayner

Serial No. 10/072,070

Group: 3744

Filed: February 8, 2002

Paper No. 5

For: Year Round Selective Dehumidifying And Humidifying Apparatus And Method

RESPONSE

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JUL 31 2003
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action mailed March 25, 2003, Paper No. 4.

Reconsideration of the rejection of claims 3 and 4 under 35 USC 102 based on Swan is respectfully requested for the following reasons.

Applicant's invention represents an improvement over the method described in Swan. In Swan the typical operation is that shown in Fig. 1 wherein conduit 44 is connected at one end of the apparatus 40 and at the other end to an outlet 56 for discharging. A separate

arrangement is shown in Fig. 2 wherein a humidifier 60 is installed in association with fan 42 and a conduit 70 is provided between fan 42 and an enclosed space of the building. Applicant's improvement is that the fan, humidifier and first and second conduits are all provided together in an installation thereby allowing selective connection of the one conduit to the exterior of the building and the second conduit to an enclosed space in the building in conjunction with operation of both the fan and the humidifier. Accordingly, claims 3 and 4 are believed to patentably distinguish over Swan under 35 USC 102.

Reconsideration of the rejection of claims 1, 2 and 5 under 35 USC 103 based on Swan in view of Freeman or Fleming et al. is respectfully requested for the following reasons. Claims 1, 2 and 5 are believed to patentably distinguish over Swan for the same reasons given above in connection with claims 3 and 4. Contrary to the Examiner's conclusion, it would not be obvious to combine Swan with either Freeman or Fleming et al. in the manner proposed in the Office Action. In Fleming et al. the damper 38 is mounted within the chamber 36 of the fluid exchanger apparatus, not between sections of conduits external to a fan/humidifier apparatus combination. Significantly, the function of the damper in Fleming et al. is for the different functions of controlling the amount of fluid which is exchanged between the inside and outside of an enclosure and that which is recirculated with the enclosure. In view of these significant differences in structure and function, there would be no motivation to one skilled in the art to combine Fleming et al. with Swan in the manner proposed by the Examiner.

Freeman discloses an air flow system disk file, the latter including a disk drive portion and a head disk assembly. Applicant's claimed invention, on the other hand, is apparatus for conditioning air within an enclosed space in a building. The problems associated with conditioning air in a building are significantly different from those associated with controlling the temperature of air flowing through a computer disk drive. Accordingly, Freeman is considered to be non-analogous art with respect to applicant's claimed invention. Thus, it would not be obvious to combine Freeman with Swan in the manner proposed by the Examiner.

In view of the foregoing, claims 1, 2 and 5 are believed to patentably distinguish over Swan, Freeman and Fleming et al. within the meaning of 35 USC 103.

Favorable action on this application is respectfully requested.

Respectfully submitted,

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